

Washington, DC) – Congressman Wally Herger (R-CA) today released a copy of a letter he and two other Representatives sent to the Social Security Inspector General on the issue of fugitive felons receiving Social Security and Supplemental Security Income (SSI) benefits. Herger believes it to be an irresponsible waste of taxpayer dollars to subsidize felons on the run from the law. Congressman Herger was the author of provisions in the 1996 welfare reform law that sought to deny fugitive felons, along with probation and parole violators, SSI checks. Subsequent legislation expanded that ban to include Social Security checks.

Herger's letter is in response to a recent report by the Inspector General of the Social Security Administration (SSA) regarding a court settlement (Martinez, et al. v. Astrue) that will alter the Social Security Administration's implementation of the ban on benefits for fugitive felons. The settlement stipulated that SSA could suspend Social Security and SSI payments only after fugitive felons are issued a warrant for trying to escape arrest, overturning SSA's interpretation that payment suspensions are based solely on any outstanding felony arrest warrant. The Inspector General's (IG) Report found that, under Martinez, taxpayer savings from the program would be reduced dramatically.

Herger issued the following statement:

"The effort I started has been successful in saving millions of taxpayer dollars by preventing government assistance checks from being paid to fugitive felons. The program has also assisted law enforcement in making over 86,000 arrests and getting felons off the street, including a man wanted in Texas for 20 counts of child molestation.

"I am deeply concerned that the Martinez settlement would significantly reduce the effectiveness of this program. By limiting payment suspension only to individuals with warrants for fleeing arrest or violating probation or parole, the Inspector General has concluded that sixty percent of today's fugitive felons would continue to receive benefits from SSA. Fugitives wanted for violent crimes, such as child molestation or even murder, would still get government checks despite the fact that these individuals are often times avoiding arrest by hiding in other states. In total, the IG Report found that the Martinez settlement would reduce savings from \$487.7 million to \$191.6 million. It is unacceptable that the government would subsidize fugitive felons trying to avoid the law, costing taxpayers millions of dollars."

Recent court cases, including Martinez, have brought to light concerns with SSA's fugitive felon policy. However, the Social Security Administration already may grant "good cause" exemptions and must continue payments in cases where individuals are exonerated or wrongly implicated due to identity fraud, or when the criminal offense is non-violent and not drug-related and other mitigating factors exist. Congressman Herger, along with Ways and Means Social Security Subcommittee Ranking Member Sam Johnson and Income Security and Family Support Ranking Member John Linder have requested that the Inspector General investigate the Social Security Administration's implementation of the law to determine if the agency is properly applying the good cause exemptions, among other provisions. Herger continued:

"While the court cases have shed light on problems with the implementation of the program, the Martinez settlement is too broad and would unnecessarily neuter this successful program. I believe the correct solution is for Congress to clarify that the Social Security Administration should suspend payments for those wanted based on the most heinous crimes, while permitting lenience in cases where good cause exemptions make sense. I look forward to the Inspector General's response to our inquiry so that Congress can determine the best way forward with this important program and prevent the misuse of taxpayer dollars, while protecting those who merit relief."

[Click here to view a copy of the letter.](#)